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APPLICATION NUMBER 09/681,017

DOC CODE PEU.DEC.TC

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OFFICE OF PETITIONS

In re Application of :
Durbin, et al. :
Application No. 09/681,017 :
Filed: November 22, 2000 :
Attorney Docket No. GEMS8081.023 :
For: METHOD AND SYSTEM TO REMOTELY :
ENABLE SOFTWARE-BASED OPTIONS FOR :
A TRIAL PERIOD :

ON PETITION

This is a decision on the reconsideration petition, filed June 12, 2007, under 37 CFR 1.183 to waive the necessity for the signatures of all joint inventors on 37 CFR 1.131 declarations.


The petition is **granted**.

Petitioners assert that, while all of the named inventors contributed to the conception of the claimed invention which is under rejection, only joint inventor Winnie C. Durbin has agreed to execute the attached declaration under 37 CFR 1.131 in support of establishing conception of the claimed invention prior to December 15, 1999.

As noted in MPEP 715.04, an adequate showing may lead to acceptance of a declaration under 37 CFR 1.131 executed by less than all the named inventors of the claimed subject matter in question. Under the facts presented, it is agreed that justice requires waiver of the rules to the extent that they require Karamjeet Singh and Kun Zhang to declare. However, the favorable decision herein does not relieve applicants from their burden to establish that the invention was completed before the date of the reference and that the claimed invention was the product of the joint inventors. See In re Carlson, 79 F.2d. 900, 27 USPQ 400 (CCPA 1935).

This application is being referred to Technology Center AU 3621 for further examination on the merits.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
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Office of Petitions